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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 NOV -2 AM 10: 15
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jaime TAPIA-Leal,** Defendant	Magistrate Docket No. '07 MJ 2582 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **November 1, 2007** within the Southern District of California, defendant, **Jaime TAPIA-Leal,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **2nd** DAY OF **NOVEMBER, 2007**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Jaime TAPIA-Leal

PROBABLE CAUSE STATEMENT

On November 1, 2007 Senior Border Patrol Agent T. Ward was assigned to Brown Field's area of operations on the West Side of the Tecate, California Port of Entry. This area is located just west of the Tecate, California Port of Entry, and over looks the International Border fence between the United States and Mexico. Undocumented aliens looking to illegally enter into the United States commonly use this area.

At approximately 5:30 pm Agent Ward encountered a group of four individuals hiding in a parking lot approximately 200 meters north of the International Border fence and west of the Tecate, California Port. Agent Ward identified himself as a United States Border Patrol Agent in the Spanish and English language and ordered the individuals to come out. One of the apprehended subjects was later identified as the defendant **Jaime TAPIA-Leal**. Agent Ward conducted an Immigration field interview on the subject. The defendant admitted to being a citizen and national of Mexico present in the United States without proper immigration documents that would allow him to enter and remain in the United States legally. The defendant and the others in the group were placed under arrest and transported to the Brown Field Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 29, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.